

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)


Applicant's or agent's file reference AND1P360.P	IMPORTANT DECLARATION	Date of mailing(day/month/year) 13/03/2002
International application No. PCT/ US 00/ 32324	International filing date(day/month/year) 22/11/2000	(Earliest) Priority date(day/month/year) 22/11/1999
International Patent Classification (IPC) or both national classification and IPC		G06F17/60
Applicant ANDERSEN CONSULTING, LLP		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☒ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments: SEE FURTHER INFORMATION SHEET

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Roger Thomas
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

The search examiner is of the opinion that the description and claims of the present application fail to comply with the prescribed requirements of the PCT to such an extent that a meaningful search cannot be carried out (Article 17 (2) (a) (ii) PCT). Given the broad and speculative nature of the claims, there is a prima facie lack of clarity in respect of the matter for which protection is sought contrary to the requirements of Article 6 PCT. Moreover, the description does not disclose the invention with sufficient clarity to allow a reliable determination of the essential technical features of the matter for which protection is sought. In this regard, it is noted that references to "aspects" or "embodiments" of the invention, many of which do not seem to be reflected in the claims, are dispersed throughout the description (cf. p.1-482). The inconsistencies between the description and claims in this regard are such as to give rise to a fundamental lack of clarity in respect of the matter for which protection is sought, said lack of clarity being considered so severe as to render a meaningful search into the state of the art impossible (cf. EPC Guidelines Part B Chapter III, 3.7; Chapter VIII, 6).

It is further noted that, insofar as the content of the application can be understood, it relates primarily to schemes, rules or methods for doing business, i.e. a method for managing a supply chain between the manufacturer(s) and service provider(s) in an e-commerce market space (p.26 l:5-13). Therefore, insofar as its content can be understood, the application appears, in any case, to relate to subject matter for which no search is required according to Rule 39.1(iii) PCT. Given that the claims are formulated in terms of such subject matter or merely specify commonplace features relating to its technological implementation, and having particular regard to the aforementioned lack of clarity in respect of the matter for which protection is sought, the search examiner could not establish any technical problem which might potentially have required an inventive step to overcome. Hence it was not possible to carry out a meaningful search into the state of the art (Art. 17(2)(a)(i) and (ii) PCT; see EPC Guidelines Part B Chapter VIII, 1-6).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.